

House Engrossed
FILED
KEN BENNETT
SECRETARY OF STATE

State of Arizona
House of Representatives
Fiftieth Legislature
Second Regular Session
2012

CHAPTER 1

HOUSE BILL 2356

AN ACT

AMENDING SECTIONS 13-3401 AND 36-2515, ARIZONA REVISED STATUTES; RELATING TO
DRUG OFFENSES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 13-3401, Arizona Revised Statutes, is amended to read:

13-3401. Definitions

In this chapter, unless the context otherwise requires:

1. "Administer" means to apply, inject or facilitate the inhalation or ingestion of a substance to the body of a person.

2. "Amidone" means any substance identified chemically as (4-4-diphenyl-6-dimethylamine-heptanone-3), or any salt of such substance, by whatever trade name designated.

3. "Board" means the Arizona state board of pharmacy.

4. "Cannabis" means the following substances under whatever names they may be designated:

(a) The resin extracted from any part of a plant of the genus cannabis, and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or its resin. Cannabis does not include oil or cake made from the seeds of such plant, any fiber, compound, manufacture, salt, derivative, mixture or preparation of the mature stalks of such plant except the resin extracted from the stalks or any fiber, oil or cake or the sterilized seed of such plant which is incapable of germination.

(b) Every compound, manufacture, salt, derivative, mixture or preparation of such resin or tetrahydrocannabinol.

5. "Coca leaves" means cocaine, its optical isomers and any compound, manufacture, salt, derivative, mixture or preparation of coca leaves, except derivatives of coca leaves which do not contain cocaine, ecgonine or substances from which cocaine or ecgonine may be synthesized or made.

6. "Dangerous drug" means the following by whatever official, common, usual, chemical or trade name designated:

(a) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances and their salts, isomers, whether optical, positional or geometric, and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(i) Alpha-ethyltryptamine.

(ii) Aminorex.

(iii) 4-bromo-2, 5-dimethoxyphenethylamine.

(iv) 4-bromo-2, 5-dimethoxyamphetamine.

(v) Bufotenine.

(vi) Diethyltryptamine.

(vii) 2, 5-dimethoxyamphetamine.

(viii) Dimethyltryptamine.

(ix) 5-methoxy-3, 4-methylenedioxyamphetamine.

(x) 4-methyl-2, 5-dimethoxyamphetamine.

(xi) Ibogaine.

(xii) Lysergic acid amide.

(xiii) Lysergic acid diethylamide.

- 1 (xiv) Mescaline.
- 2 (xv) 4-methoxyamphetamine.
- 3 (xvi) Methoxymethylenedioxyamphetamine (MDMA).
- 4 (xvii) Methylenedioxyamphetamine (MDA).
- 5 (xviii) 3, 4-methylenedioxyamphetamine.
- 6 (xix) 3, 4-methylenedioxy-N-ethylamphetamine.
- 7 (xx) N-ethyl-3-piperidyl benzilate (JB-318).
- 8 (xxi) N-hydroxy-3, 4-methylenedioxyamphetamine.
- 9 (xxii) N-methyl-3-piperidyl benzilate (JB-336).
- 10 (xxiii) N-(1-phenylcyclohexyl) ethylamine (PCE).
- 11 (xxiv) Nabilone.
- 12 (xxv) 1-(1-phenylcyclohexyl) pyrrolidine (PHP).
- 13 (xxvi) 1-(1-(2-thienyl)-cyclohexyl) piperidine (TCP).
- 14 (xxvii) 1-(1-(2-thienyl)-cyclohexyl) pyrrolidine.
- 15 (xxviii) Para-methoxyamphetamine (PMA).
- 16 (xxix) Psilocybin.
- 17 (xxx) Psilocyn.
- 18 (xxxi) Synhexyl.
- 19 (xxxii) Trifluoromethylphenylpiperazine (TFMPP).
- 20 (xxxiii) Trimethoxyamphetamine (TMA).
- 21 (xxxiv) 1-pentyl-3-(naphthoyl)indole (JWH-018 and isomers).
- 22 (xxxv) 1-butyl-3-(naphthoyl)indole (JWH-073 and isomers).
- 23 (xxxvi) 1-hexyl-3-(naphthoyl)indole (JWH-019 and isomers).
- 24 (xxxvii) 1-pentyl-3-(4-chloro naphthoyl)indole (JWH-398 and isomers).
- 25 (xxxviii) 1-(2-(4-(morpholinyl)ethyl))-3-(naphthoyl)indole (JWH-200
- 26 and isomers).
- 27 (xxxix) 1-pentyl-3-(methoxyphenylacetyl)indole (JWH-250 and isomers).
- 28 (xl) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone
- 29 (JWH-015 and isomers).
- 30 (xli) (6AR, 10AR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan2-
- 31 YL)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol) (HU-210).
- 32 (xlii) 5-(1,1-dimethylheptyl)-2-(3-hydroxycyclohexyl)-phenol
- 33 (CP 47,497 and isomers).
- 34 (xliii) 5-(1,1-dimethyloctyl)-2-(3-hydroxycyclohexyl)-phenol
- 35 (cannabicyclohexanol, CP-47,497 C8 homologue and isomers).
- 36 (b) Any material, compound, mixture or preparation which contains any
- 37 quantity of the following substances and their salts, optical isomers, and
- 38 salts of optical isomers having a potential for abuse associated with a
- 39 stimulant effect on the central nervous system:
- 40 (i) Amphetamine.
- 41 (ii) Benzphetamine.
- 42 (iii) Benzylpiperazine (BZP).
- 43 (iv) Butorphanol.
- 44 (v) BUTYLONE.
- 45 ~~(vi)~~ (vi) Cathine ((+)-norpseudoephedrine).
- 46 ~~(vii)~~ (vii) Cathinone.

- 1 ~~(vii)~~ (viii) Chlorphentermine.
- 2 ~~(viii)~~ (ix) Clortermine.
- 3 ~~(ix)~~ (x) Diethylpropion.
- 4 ~~(x)~~ (xi) Fencamfamin.
- 5 ~~(xi)~~ (xii) Fenethylamine.
- 6 ~~(xii)~~ (xiii) Fenproporex.
- 7 (xiv) FLUOROMETHCATHINONE.
- 8 ~~(xiii)~~ (xv) Mazindol.
- 9 ~~(xiv)~~ (xvi) Mefenorex.
- 10 ~~(xv)~~ (xvii) Methamphetamine.
- 11 ~~(xvi)~~ (xviii) Methcathinone.
- 12 (xix) METHOXYMETHCATHINONE.
- 13 ~~(xvii)~~ (xx) 4-methylaminorex.
- 14 (xxi) METHYLENEDIOXYMETHCATHINONE.
- 15 (xxii) METHYLENEDIOXYPYROVALERONE.
- 16 (xxiii) METHYLMETHCATHINONE.
- 17 ~~(xviii)~~ (xxiv) Methylphenidate.
- 18 ~~(xix)~~ (xxv) Modafinil.
- 19 (xxvi) NAPHTHYLPYROVALERONE.
- 20 ~~(xx)~~ (xxvii) N-ethylamphetamine.
- 21 ~~(xxi)~~ (xxviii) N, N-dimethylamphetamine.
- 22 ~~(xxii)~~ (xxix) Pemoline.
- 23 ~~(xxiii)~~ (xxx) Phendimetrazine.
- 24 ~~(xxiv)~~ (xxxi) Phenmetrazine.
- 25 ~~(xxv)~~ (xxxii) Phentermine.
- 26 ~~(xxvi)~~ (xxxiii) Pipradol.
- 27 ~~(xxvii)~~ (xxxiv) Propylhexedrine.
- 28 ~~(xxviii)~~ (xxxv) Pyrovalerone.
- 29 ~~(xxix)~~ (xxxvi) Sibutramine.
- 30 ~~(xxx)~~ (xxxvii) Spa ((-)-1-dimethylamino-1,2-diphenylethane).
- 31 (c) Any material, compound, mixture or preparation which contains any
- 32 quantity of the following substances having a potential for abuse associated
- 33 with a depressant effect on the central nervous system:
- 34 (i) Any substance which contains any quantity of a derivative of
- 35 barbituric acid, or any salt of a derivative of barbituric acid, unless
- 36 specifically excepted.
- 37 (ii) Alprazolam.
- 38 (iii) Bromazepam.
- 39 (iv) Camazepam.
- 40 (v) Carisoprodol.
- 41 (vi) Chloral betaine.
- 42 (vii) Chloral hydrate.
- 43 (viii) Chlordiazepoxide.
- 44 (ix) Chlorhexadol.
- 45 (x) Clobazam.
- 46 (xi) Clonazepam.

- 1 (xii) Clorazepate.
- 2 (xiii) Clotiazepam.
- 3 (xiv) Cloxazolam.
- 4 (xv) Delorazepam.
- 5 (xvi) Diazepam.
- 6 (xvii) Dichloralphenazone.
- 7 (xviii) Estazolam.
- 8 (xix) Ethchlorvynol.
- 9 (xx) Ethinamate.
- 10 (xxi) Ethyl loflazepate.
- 11 (xxii) Fenfluramine.
- 12 (xxiii) Fludiazepam.
- 13 (xxiv) Flunitrazepam.
- 14 (xxv) Flurazepam.
- 15 (xxvi) Gamma hydroxy butyrate.
- 16 (xxvii) Glutethimide.
- 17 (xxviii) Halazepam.
- 18 (xxix) Haloxazolam.
- 19 (xxx) Ketamine.
- 20 (xxxi) Ketazolam.
- 21 (xxxii) Loprazolam.
- 22 (xxxiii) Lorazepam.
- 23 (xxxiv) Lormetazepam.
- 24 (xxxv) Lysergic acid.
- 25 (xxxvi) Mebutamate.
- 26 (xxxvii) Mecloqualone.
- 27 (xxxviii) Medazepam.
- 28 (xxxix) Meprobamate.
- 29 (xl) Methaqualone.
- 30 (xli) Methohexital.
- 31 (xlii) Methypylon.
- 32 (xliii) Midazolam.
- 33 (xliv) Nimetazepam.
- 34 (xlv) Nitrazepam.
- 35 (xlvi) Nordiazepam.
- 36 (xlvii) Oxazepam.
- 37 (xlviii) Oxazolam.
- 38 (xlix) Paraldehyde.
- 39 (l) Petrichloral.
- 40 (li) Phencyclidine.
- 41 (lii) Pinazepam.
- 42 (liii) Prazepam.
- 43 (liv) Scopolamine.
- 44 (lv) Sulfondiethylmethane.
- 45 (lvi) Sulfonethylmethane.
- 46 (lvii) Sulfonmethane.

- 1 (lviii) Quazepam.
- 2 (lix) Temazepam.
- 3 (lx) Tetrazepam.
- 4 (lxi) Tiletamine.
- 5 (lxii) Triazolam.
- 6 (lxiii) Zaleplon.
- 7 (lxiv) Zolazepam.
- 8 (lxv) Zolpidem.
- 9 (d) Any material, compound, mixture or preparation which contains any
- 10 quantity of the following anabolic steroids and their salts, isomers or
- 11 esters:
- 12 (i) Boldenone.
- 13 (ii) Clostebol (4-chlorotestosterone).
- 14 (iii) Dehydrochloromethyltestosterone.
- 15 (iv) Drostanolone.
- 16 (v) Ethylestrenol.
- 17 (vi) Fluoxymesterone.
- 18 (vii) Formebolone (formebolone).
- 19 (viii) Mesterolone.
- 20 (ix) Methandriol.
- 21 (x) Methandrostenolone (methandienone).
- 22 (xi) Methenolone.
- 23 (xii) Methyltestosterone.
- 24 (xiii) Mibolerone.
- 25 (xiv) Nandrolone.
- 26 (xv) Norethandrolon.
- 27 (xvi) Oxandrolone.
- 28 (xvii) Oxymesterone.
- 29 (xviii) Oxymetholone.
- 30 (xix) Stanolone (4-dihydrotestosterone).
- 31 (xx) Stanozolol.
- 32 (xxi) Testolactone.
- 33 (xxii) Testosterone.
- 34 (xxiii) Trenbolone.
- 35 7. "Deliver" means the actual, constructive or attempted exchange from
- 36 one person to another, whether or not there is an agency relationship.
- 37 8. "Director" means the director of the department of health services.
- 38 9. "Dispense" means distribute, leave with, give away, dispose of or
- 39 deliver.
- 40 10. "Drug court program" means a program that is established pursuant
- 41 to section 13-3422 by the presiding judge of the superior court in
- 42 cooperation with the county attorney in a county for the purpose of
- 43 prosecuting, adjudicating and treating drug dependent persons who meet the
- 44 criteria and guidelines for entry into the program that are developed and
- 45 agreed on by the presiding judge and the prosecutor.

- 1 11. "Drug dependent person" means a person who is using a substance
2 that is listed in paragraph 6, 19, 20, 21 or 28 of this section and who is in
3 a state of psychological or physical dependence, or both, arising from the
4 use of that substance.
- 5 12. "Federal act" has the same meaning prescribed in section 32-1901.
- 6 13. "Isoamidone" means any substance identified chemically as
7 (4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3), or any salt of such
8 substance, by whatever trade name designated.
- 9 14. "Isonipeccaine" means any substance identified chemically as
10 (1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester), or any salt of
11 such substance, by whatever trade name designated.
- 12 15. "Ketobemidone" means any substance identified chemically as
13 (4-(3-hydroxyphenyl)-1-methyl-4-piperidylethyl ketone hydrochloride), or any
14 salt of such substance, by whatever trade name designated.
- 15 16. "Licensed" or "permitted" means authorized by the laws of this
16 state to do certain things.
- 17 17. "Manufacture" means produce, prepare, propagate, compound, mix or
18 process, directly or indirectly, by extraction from substances of natural
19 origin or independently by means of chemical synthesis, or by a combination
20 of extraction and chemical synthesis. Manufacture includes any packaging or
21 repackaging or labeling or relabeling of containers. Manufacture does not
22 include any producing, preparing, propagating, compounding, mixing,
23 processing, packaging or labeling done in conformity with applicable state
24 and local laws and rules by a licensed practitioner incident to and in the
25 course of his licensed practice.
- 26 18. "Manufacturer" means a person who manufactures a narcotic or
27 dangerous drug or other substance controlled by this chapter.
- 28 19. "Marijuana" means all parts of any plant of the genus cannabis,
29 from which the resin has not been extracted, whether growing or not, and the
30 seeds of such plant. Marijuana does not include the mature stalks of such
31 plant or the sterilized seed of such plant which is incapable of germination.
- 32 20. "Narcotic drugs" means the following, whether of natural or
33 synthetic origin and any substance neither chemically nor physically
34 distinguishable from them:
- 35 (a) Acetyl-alpha-methylfentanyl.
36 (b) Acetylmethadol.
37 (c) Alfentanil.
38 (d) Allylprodine.
39 (e) Alphacetylmethadol.
40 (f) Alphameprodine.
41 (g) Alphamethadol.
42 (h) Alpha-methylfentanyl.
43 (i) Alpha-methylthiofentanyl.
44 (j) Alphaprodine.
45 (k) Amidone (methadone).
46 (l) Anileridine.

- 1 (m) Benzethidine.
- 2 (n) Benzylfentanyl.
- 3 (o) Betacetylmethadol.
- 4 (p) Beta-hydroxyfentanyl.
- 5 (q) Beta-hydroxy-3-methylfentanyl.
- 6 (r) Betameprodine.
- 7 (s) Betamethadol.
- 8 (t) Betaprodine.
- 9 (u) Bezitramide.
- 10 (v) Buprenorphine and its salts.
- 11 (w) Cannabis.
- 12 (x) Carfentanil.
- 13 (y) Clonitazene.
- 14 (z) Coca leaves.
- 15 (aa) Dextromoramide.
- 16 (bb) Dextropropoxyphene.
- 17 (cc) Diampromide.
- 18 (dd) Diethylthiambutene.
- 19 (ee) Difenoquin.
- 20 (ff) Dihydrocodeine.
- 21 (gg) Dimenoxadol.
- 22 (hh) Dimepheptanol.
- 23 (ii) Dimethylthiambutene.
- 24 (jj) Dioxaphetyl butyrate.
- 25 (kk) Diphenoxylate.
- 26 (ll) Dipipanone.
- 27 (mm) Ethylmethylthiambutene.
- 28 (nn) Etonitazene.
- 29 (oo) Etoxeridine.
- 30 (pp) Fentanyl.
- 31 (qq) Furethidine.
- 32 (rr) Hydroxypethidine.
- 33 (ss) Isoamidone (isomethadone).
- 34 (tt) Pethidine (meperidine).
- 35 (uu) Ketobemidone.
- 36 (vv) Levomethorphan.
- 37 (ww) Levomoramide.
- 38 (xx) Levophenacymorphan.
- 39 (yy) Levorphanol.
- 40 (zz) Metazocine.
- 41 (aaa) 3-methylfentanyl.
- 42 (bbb) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP).
- 43 (ccc) 3-methylthiofentanyl.
- 44 (ddd) Morpheridine.
- 45 (eee) Noracymethadol.
- 46 (fff) Norlevorphanol.

- 1 (ggg) Normethadone.
- 2 (hhh) Norpipanone.
- 3 (iii) Opium.
- 4 (jjj) Para-fluorofentanyl.
- 5 (kkk) Pentazocine.
- 6 (lll) Phenadoxone.
- 7 (mmm) Phenampromide.
- 8 (nnn) Phenazocine.
- 9 (ooo) 1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine (PEPAP).
- 10 (ppp) Phenomorphan.
- 11 (qqq) Phenoperidine.
- 12 (rrr) Piminodine.
- 13 (sss) Piritramide.
- 14 (ttt) Proheptazine.
- 15 (uuu) Properidine.
- 16 (vvv) Propiram.
- 17 (www) Racemethorphan.
- 18 (xxx) Racemoramide.
- 19 (yyy) Racemorphan.
- 20 (zzz) Remifentanyl.
- 21 (aaaa) Sufentanyl.
- 22 (bbbb) Thenylfentanyl.
- 23 (cccc) Thiofentanyl.
- 24 (dddd) Tilidine.
- 25 (eeee) Trimeperidine.

21. "Opium" means any compound, manufacture, salt, isomer, salt of isomer, derivative, mixture or preparation of the following, but does not include apomorphine or any of its salts:

- 29 (a) Acetorphine.
- 30 (b) Acetyldihydrocodeine.
- 31 (c) Benzylmorphine.
- 32 (d) Codeine.
- 33 (e) Codeine methylbromide.
- 34 (f) Codeine-N-oxide.
- 35 (g) Cyprenorphine.
- 36 (h) Desomorphine.
- 37 (i) Dihydromorphine.
- 38 (j) Drotebanol.
- 39 (k) Ethylmorphine.
- 40 (l) Etorphine.
- 41 (m) Heroin.
- 42 (n) Hydrocodone.
- 43 (o) Hydromorphenol.
- 44 (p) Hydromorphone.
- 45 (q) Levo-alphaacetylmethadol.
- 46 (r) Methyl-desorphine.

- 1 (s) Methyldihydromorphine.
- 2 (t) Metopon.
- 3 (u) Morphine.
- 4 (v) Morphine methylbromide.
- 5 (w) Morphine methylsulfonate.
- 6 (x) Morphine-N-oxide.
- 7 (y) Myrophine.
- 8 (z) Nalorphine.
- 9 (aa) Nicocodeine.
- 10 (bb) Nicomorphine.
- 11 (cc) Normorphine.
- 12 (dd) Oxycodone.
- 13 (ee) Oxymorphone.
- 14 (ff) Pholcodine.
- 15 (gg) Thebacon.
- 16 (hh) Thebaine.

17 22. "Ordinary ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
18 phenylpropanolamine product" means a product that contains ephedrine,
19 pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine and that is
20 all of the following:

- 21 (a) Approved for sale under the federal act.
- 22 (b) Labeled, advertised and marketed only for an indication that is
23 approved by the federal food and drug administration.
- 24 (c) Either:
 - 25 (i) A nonliquid that is sold in package sizes of not more than three
26 grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
27 phenylpropanolamine and that is packaged in blister packs containing not more
28 than two dosage units or, if the use of blister packs is technically
29 infeasible, that is packaged in unit dose packets or pouches.
 - 30 (ii) A liquid that is sold in package sizes of not more than three
31 grams of ephedrine, pseudoephedrine, (-)-norpseudoephedrine or
32 phenylpropanolamine.

33 23. "Peyote" means any part of a plant of the genus *lophophora*, known
34 as the mescal button.

35 24. "Pharmacy" means a licensed business where drugs are compounded or
36 dispensed by a licensed pharmacist.

37 25. "Practitioner" means a person licensed to prescribe and administer
38 drugs.

39 26. "Precursor chemical I" means any material, compound, mixture or
40 preparation which contains any quantity of the following substances and their
41 salts, optical isomers or salts of optical isomers:

- 42 (a) N-acetylanthranilic acid.
- 43 (b) Anthranilic acid.
- 44 (c) Ephedrine.
- 45 (d) Ergotamine.
- 46 (e) Isosafrole.

- 1 (f) Lysergic acid.
- 2 (g) Methylamine.
- 3 (h) N-ethylephedrine.
- 4 (i) N-ethylpseudoephedrine.
- 5 (j) N-methylephedrine.
- 6 (k) N-methylpseudoephedrine.
- 7 (l) Norephedrine.
- 8 (m) (-)-Norpseudoephedrine.
- 9 (n) Phenylacetic acid.
- 10 (o) Phenylpropanolamine.
- 11 (p) Piperidine.
- 12 (q) Pseudoephedrine.

13 27. "Precursor chemical II" means any material, compound, mixture or
14 preparation which contains any quantity of the following substances and their
15 salts, optical isomers or salts of optical isomers:

- 16 (a) 4-cyano-2-dimethylamino-4, 4-diphenyl butane.
- 17 (b) 4-cyano-1-methyl-4-phenylpiperidine.
- 18 (c) Chlorephedrine.
- 19 (d) Chlorpseudoephedrine.
- 20 (e) Ethyl-4-phenylpiperidine-4-carboxylate.
- 21 (f) 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.
- 22 (g) 1-methyl-4-phenylpiperidine-4-carboxylic acid.
- 23 (h) N-formyl amphetamine.
- 24 (i) N-formyl methamphetamine.
- 25 (j) Phenyl-2-propanone.
- 26 (k) 1-piperidinocyclohexane carbonitrile.
- 27 (l) 1-pyrrolidinocyclohexane carbonitrile.

28 28. "Prescription-only drug" does not include a dangerous drug or
29 narcotic drug but means:

30 (a) Any drug which because of its toxicity or other potentiality for
31 harmful effect, or the method of its use, or the collateral measures
32 necessary to its use, is not generally recognized among experts, qualified by
33 scientific training and experience to evaluate its safety and efficacy, as
34 safe for use except by or under the supervision of a medical practitioner.

35 (b) Any drug that is limited by an approved new drug application under
36 the federal act or section 32-1962 to use under the supervision of a medical
37 practitioner.

38 (c) Every potentially harmful drug, the labeling of which does not
39 bear or contain full and adequate directions for use by the consumer.

40 (d) Any drug required by the federal act to bear on its label the
41 legend "Caution: Federal law prohibits dispensing without prescription" or
42 "Rx only".

43 29. "Produce" means grow, plant, cultivate, harvest, dry, process or
44 prepare for sale.

1 30. "Regulated chemical" means the following substances in bulk form
2 that are not a useful part of an otherwise lawful product:

- 3 (a) Acetic anhydride.
- 4 (b) Hypophosphorous acid.
- 5 (c) Iodine.
- 6 (d) Sodium acetate.
- 7 (e) Red phosphorus.
- 8 (f) Gamma butyrolactone (GBL).
- 9 (g) 1, 4-butanediol.
- 10 (h) Butyrolactone.
- 11 (i) 1, 2 butanolide.
- 12 (j) 2-oxanalone.
- 13 (k) Tetrahydro-2-furanone.
- 14 (l) Dihydro-2(3H)-furanone.
- 15 (m) Tetramethylene glycol.

16 31. "Retailer" means either:

17 (a) A person other than a practitioner who sells any precursor
18 chemical or regulated chemical to another person for purposes of consumption
19 and not resale, whether or not the person possesses a permit issued pursuant
20 to title 32, chapter 18.

21 (b) A person other than a manufacturer or wholesaler who purchases,
22 receives or acquires more than twenty-four grams of a precursor chemical.

23 32. "Sale" or "sell" means an exchange for anything of value or
24 advantage, present or prospective.

25 33. "Sale for personal use" means the retail sale for a legitimate
26 medical use in a single transaction to an individual customer, to an employer
27 for dispensing to employees from first aid kits or medicine chests or to a
28 school for administration pursuant to section 15-344.

29 34. "Scientific purpose" means research, teaching or chemical analysis.

30 35. "Suspicious transaction" means a transaction to which any of the
31 following applies:

32 (a) A report is required under the federal act.

33 (b) The circumstances would lead a reasonable person to believe that
34 any person is attempting to possess a precursor chemical or regulated
35 chemical for the purpose of unlawful manufacture of a dangerous drug or
36 narcotic drug, based on such factors as the amount involved, the method of
37 payment, the method of delivery and any past dealings with any participant.

38 (c) The transaction involves payment for precursor or regulated
39 chemicals in cash or money orders in a total amount of more than two hundred
40 dollars.

41 (d) The transaction involves a sale, a transfer or furnishing to a
42 retailer for resale without a prescription of ephedrine, pseudoephedrine,
43 (-)-norpseudoephedrine or phenylpropanolamine that is not an ordinary
44 ephedrine, pseudoephedrine, (-)-norpseudoephedrine or phenylpropanolamine
45 product.

1 36. "Threshold amount" means a weight, market value or other form of
2 measurement of an unlawful substance as follows:

- 3 (a) One gram of heroin.
- 4 (b) Nine grams of cocaine.
- 5 (c) Seven hundred fifty milligrams of cocaine base or hydrolyzed
6 cocaine.
- 7 (d) Four grams or 50 milliliters of PCP.
- 8 (e) Nine grams of methamphetamine, including methamphetamine in liquid
9 suspension.
- 10 (f) Nine grams of amphetamine, including amphetamine in liquid
11 suspension.
- 12 (g) One-half milliliter of lysergic acid diethylamide, or in the case
13 of blotter dosage units fifty dosage units.
- 14 (h) Two pounds of marijuana.
- 15 (i) For any combination consisting solely of those unlawful substances
16 listed in subdivisions (a) through (h) of this paragraph, an amount equal to
17 or in excess of the threshold amount, as determined by the application of
18 section 13-3420.
- 19 (j) For any unlawful substance not listed in subdivisions (a) through
20 (h) of this paragraph or any combination involving any unlawful substance not
21 listed in subdivisions (a) through (h) of this paragraph, a value of at least
22 one thousand dollars.

23 37. "Transfer" means furnish, deliver or give away.

24 38. "Vapor-releasing substance containing a toxic substance" means a
25 material which releases vapors or fumes containing any of the following:

- 26 (a) Ketones, including acetone, methyl ethyl ketone, mibk, miak,
27 isophorone and mesityl oxide.
- 28 (b) Hydrocarbons, including propane, butane, pentane, hexane, heptane
29 and halogenated hydrocarbons.
- 30 (c) Ethylene dichloride.
- 31 (d) Pentachlorophenol.
- 32 (e) Chloroform.
- 33 (f) Methylene chloride.
- 34 (g) Trichloroethylene.
- 35 (h) Difluoroethane.
- 36 (i) Tetrafluoroethane.
- 37 (j) Aldehydes, including formaldehyde.
- 38 (k) Acetates, including ethyl acetate and butyl acetate.
- 39 (l) Aromatics, including benzene, toluene, xylene, ethylbenzene and
40 cumene.
- 41 (m) Alcohols, including methyl alcohol, ethyl alcohol, isopropyl
42 alcohol, butyl alcohol and diacetone alcohol.
- 43 (n) Ether, including Diethyl ether and petroleum ether.
- 44 (o) Nitrous oxide.
- 45 (p) Amyl nitrite.
- 46 (q) Isobutyl nitrite.

39. "Weight" unless otherwise specified includes the entire weight of any mixture or substance that contains a detectable amount of an unlawful substance. If a mixture or substance contains more than one unlawful substance, the weight of the entire mixture or substance is assigned to the unlawful substance that results in the greater offense. If a mixture or substance contains lysergic acid diethylamide, the offense that results from the unlawful substance shall be based on the greater offense as determined by the entire weight of the mixture or substance or the number of blotter dosage units. For the purposes of this paragraph, "mixture" means any combination of substances from which the unlawful substance cannot be removed without a chemical process.

40. "Wholesaler" means a person who in the usual course of business lawfully supplies narcotic drugs, dangerous drugs, precursor chemicals or regulated chemicals that he himself has not produced or prepared, but not to a person for the purpose of consumption by the person, whether or not the wholesaler has a permit that is issued pursuant to title 32, chapter 18. Wholesaler includes a person who sells, delivers or dispenses a precursor chemical in an amount or under circumstances that would require registration as a distributor of precursor chemicals under the federal act.

Sec. 2. Section 36-2515, Arizona Revised Statutes, is amended to read:
36-2515. Substances in schedule IV

A. The following controlled substances are, unless specifically excepted, included in schedule IV:

1. Any material, compound, mixture or preparation that contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system, including its salts, isomers, whether optical, position or geometric, and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

- (a) Cathine (+(4)-norpseudoephedrine).
- (b) Diethylpropion.
- (c) Fencamfamin.
- (d) Fenproporex.
- (e) Mazindol.
- (f) Mefenorex.
- (g) Pemoline (including organometallic complexes and chelates thereof).
- (h) Phentermine.
- (i) Pipradrol.
- (j) SPA((-)-1-dimethylamino-1, 2-diphenylethane).
- (k) Butorphanol.
- (l) Modafinil.
- (m) Sibutramine.
- (n) BUTYLONE.
- (o) FLUOROMETHCATHINONE.
- (p) METHOXYMETHCATHINONE.

- 1 (q) METHYLENEDIOXYMETHCATHINONE.
- 2 (r) METHYLENEDIOXYPYROVALERONE.
- 3 (s) METHYLMETHCATHINONE.
- 4 (t) NAPHTHYLPYROVALERONE.

5 2. Any material, compound, mixture or preparation that contains any
6 quantity of the following substances having a potential for abuse associated
7 with a depressant effect on the central nervous system, including its salts,
8 isomers and salts of isomers whenever the existence of such salts, isomers
9 and salts of isomers is possible within the specific chemical designation:

- 10 (a) Alprazolam.
- 11 (b) Barbitol.
- 12 (c) Bromazepam.
- 13 (d) Camazepam.
- 14 (e) Chloral betaine.
- 15 (f) Chloral hydrate.
- 16 (g) Chlordiazepoxide.
- 17 (h) Clobazam.
- 18 (i) Clonazepam.
- 19 (j) Chlorazepate.
- 20 (k) Clotiazepam.
- 21 (l) Cloxazolam.
- 22 (m) Delorazepam.
- 23 (n) Diazepam.
- 24 (o) Dichloralphenazone.
- 25 (p) Estazolam.
- 26 (q) Ethchlorvynol.
- 27 (r) Ethinamate.
- 28 (s) Ethyl loflazepate.
- 29 (t) Fludiazepam.
- 30 (u) Flunitrazepam.
- 31 (v) Flurazepam.
- 32 (w) Halazepam.
- 33 (x) Haloxazolam.
- 34 (y) Ketazolam.
- 35 (z) Loprazolam.
- 36 (aa) Lorazepam.
- 37 (bb) Lormetazepam.
- 38 (cc) Mebutamate.
- 39 (dd) Medazepam.
- 40 (ee) Meprobamate.
- 41 (ff) Methohexital.
- 42 (gg) Methylphenobarbital (methobarbital).
- 43 (hh) Midazolam.
- 44 (ii) Nimetazepam.
- 45 (jj) Nitrazepam.
- 46 (kk) Nordiazepam.

1 (ll) Oxazepam.
2 (mm) Oxazolam.
3 (nn) Paraldehyde.
4 (oo) Petrichloral.
5 (pp) Phenobarbital.
6 (qq) Pinazepam.
7 (rr) Prazepam.
8 (ss) Quazepam.
9 (tt) Temazepam.
10 (uu) Tetrazepam.
11 (vv) Triazolam.
12 (ww) Zaleplon.
13 (xx) Zolpidem.
14 3. Fenfluramine.
15 4. Any material, compound, mixture or preparation containing any of
16 the following narcotic drugs, or their salts, calculated as the free
17 anhydrous base or alkaloid, in limited quantities of not more than one
18 milligram of difenoxin and not less than twenty-five micrograms of atropine
19 sulfate per dosage unit.
20 5. Any material, compound, mixture or preparation that contains any
21 quantity of the following substances, including its salts:
22 (a) Carisoprodol.
23 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-
24 3-methyl-2-propionoxybutane).
25 (c) Pentazocine.
26 B. The board may except by rule any compound, mixture or preparation
27 containing any substance listed in this section from the application of all
28 or any part of this chapter if the compound, mixture or preparation contains
29 one or more active medicinal ingredients and if the admixtures are included
30 therein in combinations, quantity, proportion or concentration that vitiates
31 the potential for abuse.
32 Sec. 3. Emergency
33 This act is an emergency measure that is necessary to preserve the
34 public peace, health or safety and is operative immediately as provided by
35 law.

APPROVED BY THE GOVERNOR FEBRUARY 16, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE FEBRUARY 17, 2012.

Passed the House February 9, 2012

by the following vote: 54 Ayes,

0 Nays, 5 Not Voting
1 vacant w/emergency

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate February 15, 2012

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

[Signature] With Emergency
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

15th day of February, 2012

at 2:39 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 16th day of

February

at 5:10 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 17th day of February, 2012

at 10:46 o'clock a M.

[Signature]
Secretary of State

H.B. 2356